

Congress of the United States
Washington, DC 20515

December 1, 2004

The Honorable Michael O. Leavitt
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Leavitt:

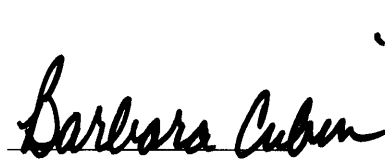
We write to voice our concern with the treatment of subbituminous and lignite coals within the Environmental Protection Agency's (EPA's) proposed mercury rule. While we appreciate your agency's efforts to "ensure a level playing field for all types of coal," we believe it is of equal if not greater importance that the proposed mercury emissions regulations be based on sound, scientific analysis.

As you know, chemical differences between bituminous, subbituminous and lignite coals result in significantly different levels and types of mercury emissions when the respective coals are burned. In turn, these chemical differences produce different emissions reductions from mercury control technologies. EPA's proposed mercury rule rightfully attempts to take these differences into consideration by assigning varying cap and trade allowance allocation factors based on coal type. We are seriously concerned, however, that EPA's proposed allowance allocation factors do not appropriately reflect its own findings that subbituminous and lignite coals should receive higher allowance allocation factors, as consistent with the proposed alternative Maximum Achievable Control Technology (MACT) standards.

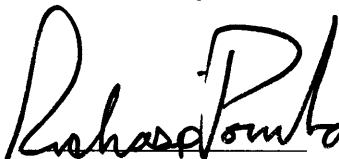
EPA's currently proposed cap and trade allowance allocation factors fail to adequately take into account the scientific evidence EPA itself has collected, nor adequately recognize the physical differences among varying coal types and the effectiveness of demonstrated control technologies. Unless this is corrected, producers and consumers of western and southern coals will be unfairly disadvantaged. It is our hope that you will address our concerns before a final mercury rule is published.

Thank you for your consideration of our request and we look forward to working with you on this important rule making.

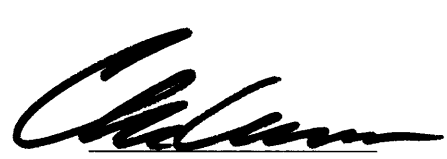
Sincerely,



Barbara Cubin
Member of Congress



Richard Pombo
Member of Congress



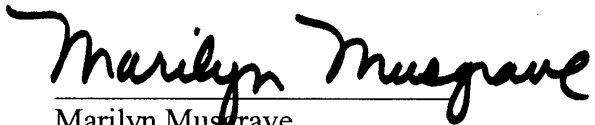
Chris Cannon
Member of Congress



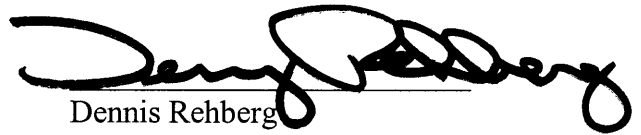
Scott McInnis
Member of Congress



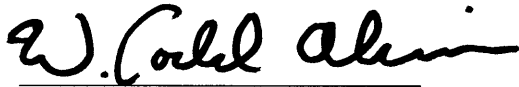
Thomas Tancredo
Member of Congress



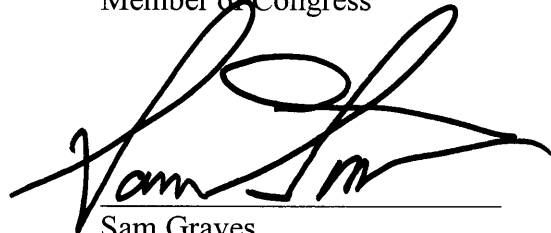
Marilyn Musgrave
Member of Congress



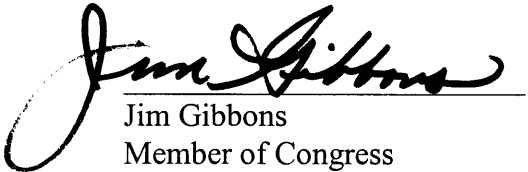
Dennis Rehberg
Member of Congress



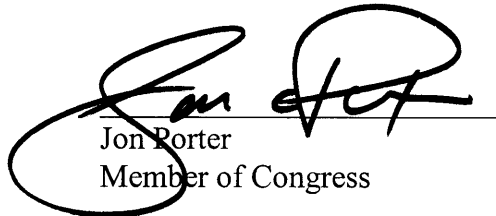
Todd Akin
Member of Congress



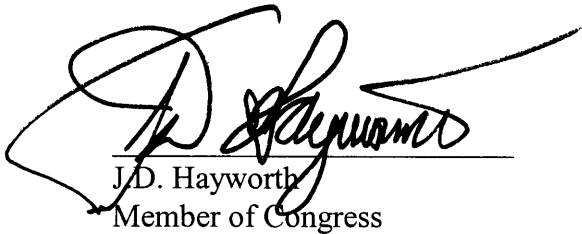
Sam Graves
Member of Congress



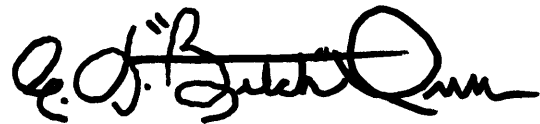
Jim Gibbons
Member of Congress



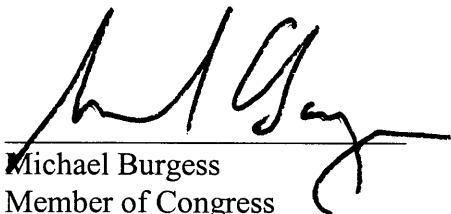
Jon Porter
Member of Congress



J.D. Hayworth
Member of Congress



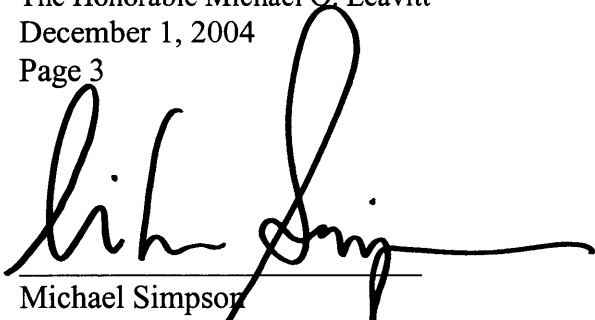
C.L. "Butch" Otter
Member of Congress




Michael Burgess
Member of Congress



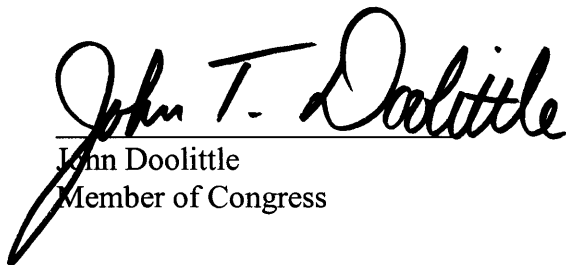
Stevan Pearce
Member of Congress




Michael Simpson
Member of Congress



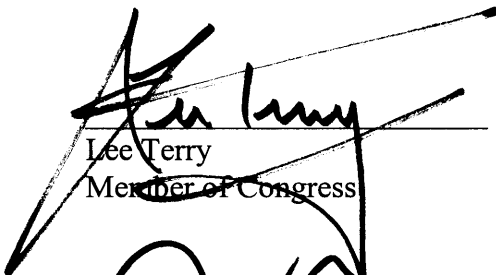
Rob Bishop
Member of Congress



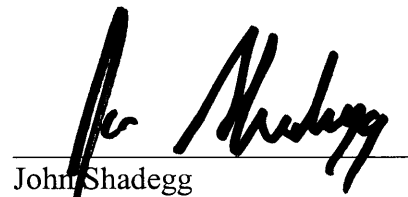
John Doolittle
Member of Congress




Howard "Buck" McKeon
Member of Congress



Lee Terry
Member of Congress



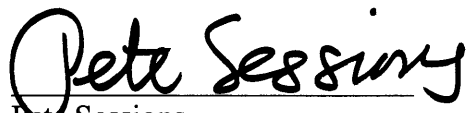
John Shadegg
Member of Congress



Trent Franks
Member of Congress



Jeff Flake
Member of Congress



Pete Sessions
Member of Congress